

November 08, 2023

The Court will accept Defendant's counter statement of material facts and deem it timely filed.

Via ECF  
Honorable Arun Subramanian  
United States District Court  
Southern District of New York  
500 Peal Street, Courtroom 15A  
New York, NY 10007

SO ORDERED.



Arun Subramanian, U.S.D.J.

Date: November 14, 2023

Re: *Kairos Credit Strategies v The Friars National Association, Inc.*  
Case № 23-cv-02960  
Letter Request To Accept Defendant's Counter-Statement Of Material Facts And  
To Provide Plaintiff "leave to file a short response to it."

Dear Your Honor:

This office represents Defendant The Friars National Association, Inc. in this commercial mortgage foreclosure action.

For reasons unknown to me, Defendant's counter statement of material facts was not properly uploaded by me to ECF on November 1, 2023 together with the rest of Defendant's opposition papers. I humbly submit the PDF version with this letter. [I further humbly ask this court to deem it filed with Defendant's opposition papers.](#)

I genuinely apologize for my error to the court and to Plaintiff. I have never made this error before nor will it *ever* happen again.

Plaintiff acknowledges that it received the Microsoft Word version of the counter-statement (with additional material facts) the following day (as required by Your Honor's rules). To this end, because counsel works off the word version, Plaintiff has not been prejudiced by the inadvertent mistake in filing the same document in the PDF format on ECF (the word version would not be signed by me).

Plaintiff further acknowledges that the 11 additional statements were "refuted in [Plaintiff's] reply."

To this end, Defendant respectfully seeks to have the court accept the statement (submitted with this letter request) as part of Defendant's opposition papers. Should the court grant this request, then, as requested by Plaintiff, in footnote 2 on page 4 of its Reply Memorandum, Defendant, certainly, joins Plaintiff in its request "for leave to file a short response to it."

Again, I apologize for the mistake. And, I appreciate your time and attention.

Respectfully submitted,



Steven Alexander Biolsi

Cc: Via ECF to appearing parties including  
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